UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,533	12/28/2000	Robert Adams	042390.P9895	6958

7590 06/20/2006	EXAMINER
Crystal D Sayles	BLAIR, DOUGLAS B
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ART UNIT	PAPER NUMBER
2142	

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DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
		09/750,533	ADAMS ET AL.
Office Action Summary		Examiner	Art Unit
		Douglas B. Blair	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 3/6/2006 has been entered.

Response to Amendment

2.   Claims 1-32 are currently pending in this application. The Double Patenting rejection

previously presented has been withdrawn in view of the applicant's amendment.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-2, 5-11, 14-17, 20-21 and 30-31 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent Number 6,546,616 to Kirsch.

5.   Kirsch teaches the invention (as claimed in exemplary claim 16) including a

communications system, comprising: a computer-readable medium; and computer-readable

program code, stored on the computer-readable medium, adapted to be loaded and executed on

the communications system, the computer-readable code performing, monitoring

communications between a plurality of users and a user having a shared resource (col. 11, lines

28-61), determining social network data from the communications between each of the plurality

of users and the user having the shared resource (col. 11, lines 28-61) wherein the social network

data is based on varying degrees of interactions between each of the plurality of users and the

user having the shared resource (col. 11, lines 28-61), determining an access level for each of the

plurality users based on the social network data (col. 11, lines 28-61), and configuring an access

control list to provide each of the plurality of users the access level determined for accessing the

shared resource (col. 12, lines 47-67).

6.   Kirsch teaches a communications system (as in claim 17) wherein the communications

are e-mail communications (col. 11, lines 28-61).

7.   Kirsch teaches a communications system (as in claim 18) wherein the social network data

includes resources attached to the communications (col. 11, lines 28-61).

8.   Kirsch teaches a communications system (as in claim 20) wherein the access control list

includes a user identification and the access level for the user (col. 11, lines 28-61).

9.   Kirsch teaches a communications system (as in claim 21) wherein the resource is a

computer system (col. 11, lines 28-61).

10.   Kirsch teaches a method (as in claim 30) wherein the communications comprise one or

more of emails, instant messages, file transfers, commands sent from one computer system to

another, and any other types of communications performed between the plurality of users and the

user having the shared resource (col. 11, lines 28-61).

11.   Kirsch teaches a method (as in claim 31) wherein determining social network data

comprises: identifying communications from the user having the shared resource to each of the

plurality of users (col. 5, lines 41-50); identifying communications from each of the plurality of

users to the user having the shared resource (col. 11, lines 28-61); and tallying each identified

communication for each of the plurality of users (col. 11, lines 28-61, the challenge list is a tally

of communications).

12.   As to claims 1-3 and 5-6, they feature the same limitations as claims 16-18 and 20-21 and

are rejected for the same reasons as claims 16-18 and 20-21.

13.   As to claims 7, 11-12, and 14-15, they feature the same limitations as claims 16-18 and

20-21 and are rejected for the same reasons as claims 16-18 and 20-21.

14.   As to claim 8, Kirsch teaches a social network including a shared resource provider to

provide to each of the plurality users access to the shared resource based on the access control

list (col. 11, lines 28-61).

15.   As to claim 9, Kirsch teaches a social network wherein the social network monitor and

the social network access controller reside on a single system (col. 11, lines 28-61).

16.   As to claim 10, Kirsch teaches a social network wherein the social network monitor and

the social network access controller reside on separate systems (col. 11, lines 28-61).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18.   Claims 4, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,044,466 to Anand et

al..

19.   As to claim 19, Kirsch teaches the subject matter of claim 16; however Kirsch does not

teach the access level as being permissions.

Anand teaches a dynamic access policy including permissions information (col. 5, lines

1-16).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Kirsch regarding managing the access of user's

to a system with the teachings of Anand regarding a dynamic access policy including

permissions because permission prevent unauthorized access to resources (Anand, col. 1, lines

37-42).

20.   As to claims 4 and 13, they feature the same limitations as claim 19 and are rejected for

the same reasons as claim 19.

21.   Claims 22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,654,787 to

Aronson et al..

22.   As to claim 22, Kirsch teaches the method of claim 1; however Kirsch does not explicitly

locating a keyword in an email.

Aronson teaches a social network including monitoring communication for particular

keywords, wherein the access level is granted based on the number of occurrences of the

particular keywords (col. 5, lines 50-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Kirsch regarding managing the access of user's

to a system with the teachings of Aronson regarding monitoring for a keyword because keywords

are useful for eliminating unwanted emails (Aronson, col. 5, lines 50-67).

23.   As to claims 24 and 26, they are rejected for the same reasons as claim 22.

24.   Claims 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,654,787 to

Aronson et al. in further view of U.S. Patent Number 6,711,570 to Goldberg et al..

25.   As to claim 23, the Kirsch-Aronson combination teaches the use of keywords for filter

emails; however the Kirsch-Aronson combination does not explicitly teach the weighting of

keywords.

Goldberg teaches different weights may be assigned to different keywords, wherein

certain keywords have higher weights than other keywords (col. 6, lines 17-50).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of the Kirsch-Aronson combination regarding

filtering emails using keywords with the teachings of Goldberg regarding weighting of keywords

because weighting makes for better filters (Goldberg, col. 6, lines 17-50).

26.   As to claims 25 and 27, they are rejected for the same reasons as claim 23.

27.   Claims 3, 12, 18, 28-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,453,327 to

Nielsen.

28.   As to claims 28 and 29, Kirsch teaches the method and systems of claims 1 and 16

however Kirsch does not explicitly teach continuously updating an access list.

Nielsen teaches a computer implemented method for continuously updating the access

control list to add and remove entries or to change access levels as users transition in and out of a

social network or as communications between the users changes (col. 9, line 39-col. 10, line 13).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Kirsch regarding managing the access of users

to a system with the teachings of Nielsen regarding continuously updating an access list because

continuously updating allows a computer system to get rid of old data that may no longer be

relevant (Nielsen, col. 9, lines 39-46).

29.   As to claims 3, 12, and 18, Kirsch teaches the method and systems of claims 1, 7, and 16,

however Kirsch does not explicitly teach the social network data including the frequency and

chronology of communications.

Nielsen teaches social network data including one or more identities of each of a plurality

of users having a shared resource, a frequency of interaction between all users for a time period,

a chronology of communications, a topic of the communications resources attached to the

communications (col. 13, line 59-col. 14, line 18).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Kirsch regarding managing the access of users

to a system with the teachings of Nielsen regarding identifying the frequency of communications

between users because monitoring the frequency of communications prevents a user from

hogging the resource.

30.   As to claim 32, Kirsch teaches the method of claim 1 however Kirsch does not explicitly

teach modifying an access list based on a total number of communications between users.

Nielsen teaches a method wherein determining an access level comprises: obtaining a

total number of communications with the user having the shared resource for each of the

plurality of users based on the social network data (col. 13, line 59-col. 14, line 18); comparing

the total number of communications for each of the plurality of users to an access level table to

obtain the access level, the access level table comprising a plurality of access levels based on the

total number of communications (col. 13, line 59-col. 14, line 18); and assigning an access level

to each of the plurality of users (col. 13, line 59-col. 14, line 18).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Kirsch regarding managing the access of users

to a system with the teachings of Nielsen regarding identifying the frequency of communications

between users because monitoring the frequency of communications prevents a user from

hogging the resource.

Response to Arguments

31.   Applicant's arguments filed 3/6/2006 have been fully considered but they are not

persuasive. The applicant argues that, unlike the applicant's invention, which configures an

access control list to provide each of the plurality of users the access level determined for

accessing the shared resource, Kirsch is preparing entries for an accept list for receiving emails.

However, the user with the accept list's email is considered the shared resource so the accept list

provides the access level of forwarding the email to the user or not.

Conclusion

32.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The

examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

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SUPERVISORY PATENT EXAMINER